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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/739,619

12/20/2000

Yusuke Kimata

Q62422

4741

7590

05/24/2002

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.,
Washington, DC 20037

EXAMINER

RAMAKRISHNALAH, MELUR

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 05/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.
09/739,619

Applicant(s)
Yusuke Kimata et al.

Examiner
Melur. Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 21, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2, are rejected under 35 U.S.C 102(b) as being anticipated by Hiroaki (US PAT: 5,786,846).

Regarding claim 1, Hiroaki discloses a picture-phone device for an operator to exchange images and voices with the party on the other end via a communication circuit comprising: an imaging portion (602, fig. 6), an image display portion (603, fig. 6), and means (102, fig. 6) for guiding the line of sight for guiding the operator's line of sight to a specific direction is provided (col. 13 lines 29-67, col. 14 lines 1-26, figs. 13A, 13B, col. 16 lines 14-21).

Regarding claim 2, Hiroaki further teaches the following: indicating means for giving indications to the operator for guiding operator's line of sight (figs. 13A, 13B, col. 16 lines 14-21).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroaki in view of Ota (JP363276352A).

Regarding claim 3, Hiroaki teaches control means (102, fig. 8) for controlling indicating means (502, fig. 8) in response to the result of the determination of the phone in use which is implicit (col. 13 lines 42-55, figs. 13A, 13B, col. 16 lines 14-21); but he does not explicitly teach the following: determining whether the phone is in use or not according to a voice input signal output from a microphone.

However, Ota discloses automatic voice dial telephone terminal equipment which teaches determining whether the phone is in use or not according to a voice input signal output from a microphone (see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hiroaki's system to provide for determining whether the phone is in use or not according to a voice input signal output from a microphone as this would provide another means to determine phone in use.

Regarding claims 4-8, Hiroaki further teaches the following: indicating means is a light flashing system for guiding the caller's line of sight by light emission, light flashing system is provided near the imaging portion (col. 9 lines 35-42), indicating means is a caption outputting system for projecting a special visual image in order to guide the caller's line of sight to a specific

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direction on the image display portion in the picture phone device (col. 14 lines 46-57, col. 16 lines 14-21), special visual image is an arrow for pointing the position where the imaging portion is installed (figs. 13A/13B, col. 15 lines 53-56, col. 16 lines 19-23), a special image is variation of characters, patterns or backgrounds in order to guide the operator's line of sight to specific direction (figs. 9-13, note: all these figures give information to guide operator's line of sight to have proper display of both the remote user and local user in video communication, note: col. 14 lines 5-26).

Response to Arguments

5. Applicant's arguments filed on 3-21-2002 have been fully considered but they are not persuasive.

Regarding rejection of claim 1, Applicant argues that "Hiroaki fails to disclose or suggest "means for guiding the operator's line of sight to a specific direction" as recited in claim 1. The notification information ... information generation section 501 does not guide the user's line of sight to a specific direction". Contrary to Applicant's interpretation of Hiroaki reference, Hiroaki clearly teaches means for guiding the operator's line of sight to a specific direction (figs. 13A, 13B, col. 16 lines 14-21). As can be seen from figs. 13A-13B, the operator is given information which provide means for guiding the operator's line of sight to a specific direction. Since Hiroaki teaches Applicant's claim limitations of claim 1, the rejection of claim 1 is maintained.

Regarding rejection of claims 3-7 under 103(a) based on Hiroaki and Oto, Applicant argues that "Applicant submits that Ota fails to teach or suggest "means for guiding the operator's

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line of sight to a specific direction", as recited in claim 1. Therefore, Applicant maintains that the combination of Hiroaki and Oto fails to teach or suggest claim 1. Based on above ... claims 3-7 are patentable by virtue of their dependency from claim 1". Regarding this, as shown above in discussing claim 1, Hiroaki clearly teaches means for guiding the operator's line of sight to a specific direction (figs. 13A, 13B, col. 16 lines 14-21) recited in claim 1. In view of this rejection of claims 3-7 and 8 is maintained as set forth in the above office action.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).


Melur. Ramakrishnaiah

PATENT EXAMINER

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